IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6736 of 2005

RAMSWAROOP DAD
V/S
UNION OF INDIA & ORS

MOHD. ASLAM for Mr. MANISH SHISHODIA, for the appellant /petitioner

Mr. JP JOSHI, for the respondent

Date of Order : 9.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The grievance of the petitioner is that the respondents are laying down pipeline on the land belonging to the petitioner, which has been purchased by the petitioner by a registered sale deed, and therefore, seeks a restrain against the respondents, as it amounts to depriving the petitioner of the property without due process of law.

The stand of the respondents is, that the petitioner has not disclosed complete facts, inasmuch as, appropriate action was taken by the respondents, in accordance with the provisions of Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act 1962, by issuing appropriate notifications under Section 3 and 6 thereof, copies whereof have been produced on record, and

it is contended, that the petitioner has not disclosed this fact, while after issuance of these notifications, in view of the provisions of the Act, the respondents are entitled to use the land for the purpose of laying down the pipe line.

In my view, the stand of the respondents is required to be accepted.

Accordingly, I do not find any force in the writ petition. The same is, therefore, dismissed summarily. However it is made clear, that the petitioner would be free to take appropriate steps for claiming such compensation, to which the petitioner may be found entitled to, in accordance with the provisions of said Act of 1962.

(N P GUPTA),J.

/Sushil/